

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

M. JASON RUSSELL, SR.,
Plaintiff,

vs.

DONALD MORGAN, et al.,
Defendants.

Case No. 1:15-cv-482

Black, J.
Bowman, M.J.

**REPORT AND
RECOMMENDATION**

The instant action commenced on July 20, 2015 when the *pro se* plaintiff, an inmate at the Southern Ohio Correctional Facility, filed an indecipherable pleading with the Court without paying a filing fee or submitting a motion for leave to proceed *in forma pauperis*. (See Doc. 1). On August 8, 2015, the undersigned issued a Deficiency Order ordering the plaintiff to file an amended civil complaint and to either “pay \$400 (\$350 filing fee plus \$50 administrative fee) or submit to the Court an *in forma pauperis* application and certified copy of his inmate trust fund account statement (or institutional equivalent) for the preceding six-month period” within thirty days. (See Doc. 2) (emphasis added). Thereafter, the plaintiff submitted his prison trust fund account statement and additional pleadings, but failed to submit a written complaint setting forth his civil claims or an *in forma pauperis* application completed and signed by him. (See Docs. 5-6). Therefore, the undersigned issued a second Deficiency Order on September 25, 2015, essentially granting the plaintiff an additional thirty days in which to file a complaint and to “either pay \$400 (\$350 filing fee plus \$50 administrative fee) or submit to the Court an *in forma pauperis* application.” (See Doc. 7). Plaintiff has yet to respond to this Court’s latest Deficiency Order, and the deadline for doing so has passed.

District courts have the inherent power to *sua sponte* dismiss civil actions for want of prosecution to manage their own affairs so as to achieve the orderly and expeditious disposition of

cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-631 (1962). Failure of a party to respond to an order of the court warrants invocation of the Court’s inherent power. *See* Fed. R. Civ. P. 41(b).

It is therefore **RECOMMENDED** that this matter be **DISMISSED** for lack of prosecution.

IT IS SO RECOMMENDED.

s/Stephanie K. Bowman
Stephanie K. Bowman
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within **FOURTEEN (14) DAYS** after being served with a copy thereof. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within **FOURTEEN DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

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